

Travels with John: the function of prisons in Europe



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My journeys to Europe's prisons take some inspiration from the English prison reformer, John Howard (1726-1790). He gained world-wide fame for the travels and visits he made to prisons all over Europe and for his book *The State of the Prisons*. The reasons for these travels were probably not just philanthropic, policy-related or scientific. What to think of someone who travels more than 42,000 miles in ten years on horseback and visits the same prisons up to nine times, obsessively recording prison conditions and organisation again and again?

Howard did his prison tour in times of change and witnessed – sometimes without realising it – the rise of the prison as a penal instrument. He did not question the institution nor the fate of prisoners but focused on prison conditions and the organisation of prisons. Today, these questions remain relevant and are still being addressed (by Independent Monitoring Boards among others). Inspired by John Howard's travels, and reflecting on 250 years of locking up people as punishment, I wanted to ask the question: What are prisons for today? I visited prisons in six countries – England, Norway, Netherlands, France, Italy and Azerbaijan – in one year between 2013 and 2014.

Howard travelled to prisons unprepared and often without having been granted access in advance. He knocked on the prison door and entered the premises. My prison visits needed much more preparation and even the assistance of local guides who have helped to select the prisons, opened doors and acted as sounding boards. The visits further implied reading (academic literature, reports, history, politics, media coverage) before, during and after the trip. Once there, the challenge

was to look around, listen and ask questions of those who I could meet (policy makers, prison officers, prisoners, colleagues and so on).

I am reporting on impressions about prisons and their functions in our society today. These impressions cannot be generalised or even be read or interpreted as country evaluations because they merely reflect the experiences of visits to some prisons in each jurisdiction. Moreover, there was a selection in what was read and discussed and I depended a lot on the local guides and prison administrations who influenced the things that I saw and heard. Finally, my questions and perceptions are affected by my own background (lawyer-criminologist familiar with Belgian prisons) and language skills (I understand only Dutch, English, French and German).

The salary of the jailer (England)

In England I visited Bedford prison – mimicking John Howard's first prison visit in 1773 – and Oakwood near Wolverhampton. Through these visits I was able to collect and compare data and impressions from an older, local prison on the one hand and a new, privately managed and large training prison on the other hand.

In general, I was struck by the risk calculation, rankings and tax payers' discourse in discussions about prisons in England. Back then, Howard started his prison travels to look for a precedent for paying salaries to jail keepers. Today, issues about the costs of detention still seem to be high on the English policy agenda.

Further, prisons rather look like instruments to punish (places to inflict pain as retribution) than as a punishment in itself (places for deprivation of liberty). Through

my Belgian lens, life in English prisons is tough. I did not hear much about prisoner's rights. I was surprised by the incentives and earned privilege (IEP) system that creates different classes of prisoners, providing additional facilities and rights to those who seem to deserve it. Vulnerable prisoners are separated from the rest and seem to live in their own niche. Foreign national prisoners sometimes follow different tracks with a view to being deported.

In the past I have mainly experienced prisons as places where people are being locked up and kept busy with what is called purposeful activity. This invites the question whether this prepares people for a life after prison or whether this merely keeps them busy, out of bed and quiet during detention.

Oakwood was the first private prison I ever visited. What I had read about this prison before my visit (including inspectors' reports) was horrible and I was prepared for the worst. It was not. Would I immediately see or feel the difference between this and a public prison? More light, maybe. Staff younger, less institutional, less of them. Where was everybody? I am used to seeing prison officers standing, sitting and chatting everywhere.

The North star (Norway)

While travelling to Sweden, John Howard had high expectations about the quality of its prisons. 'In travelling through the country of Sweden, I observed the houses to be much cleaner than those in Denmark and this led me to hope I should find the same differences in prisons; especially as I was told they were visited every Saturday by an officer from the chancery. But I was disappointed, for I found them as dirty and offensive as those in Denmark.'

Today still, prisons in Nordic countries are generally believed to be exceptional because of the excellent prison conditions and low incarceration rates. Norway, a country that Howard has never visited, has the reputation of being the brightest star in the prison firmament.

I visited prisons in Horten (Bastøy, low-security, on an island, claims to be an ecological prison), Krokstad, Ullersmo, Eidsberg and Trøgstad. Prison facilities in Norway are excellent and (mostly small sized) prisons detain people in a variety of security levels, including open prison

Paris Fresnes



regimes. I was impressed by the investments made in meaningful prison activities, labor and reintegration tracks. But I do not believe that Norway is immune to what happens elsewhere in Europe. Norway's culture of *likhet* (equality) seems to be under pressure. Immigration and social evolutions change and sometimes divide the Norwegian society. Prisons now detain much more foreigners than ever before. These prisoners face deportation after having served their prison sentence. What kind of re-socialisation can be offered to prisoners with no future in the Norwegian society? Norway now looks for additional capacity in Sweden and the Netherlands.

The paradox of control (the Netherlands)

The Netherlands was Howard's favourite country, especially because he found the prisons there so clean. 'Prisons in the United Provinces are so quiet and most of them so clean, that a visitor can hardly believe he is in a goal. They are commonly (except for the rasp houses) white-washed once or twice a year, and prisoners observed to me how refreshing it was to come into the rooms after they had been so thoroughly cleaned.'

I visited prisons in Vught, Nieuwersluis and Dordrecht and saw very organised and well managed prisons (plans, implementation, feedback...), good living conditions (clean!), many special units for special (dangerous) prisoners and evidence-based interventions. But there seems to be uncertainty about their impact: imprisonment rates are characterised by steep rises and falls. Currently, the prison population has dropped dramatically, and nobody really seems to know why.

I have also seen a strong emphasis on

the individual responsibility of prisoners to change themselves. The system invests in and merits those who can manage and seem to deserve it (promotion and degradation like the English IEP). What about those who cannot – up to 80%?

Words, words, words (France)

I visited the French prisons of Lille Seque-din and Paris Fresnes. To me, life in French prisons is tough, even by comparison with what I saw in England. I have seen a strong emphasis on security issues in the organisation of prisons. I could barely interact with the prisoners (not even just shaking hands and having a talk). An inmate in Lille who wanted to talk to me – to tell me about what really happens in prisons – was removed with force (and got a disciplinary sanction for it). It sometimes seemed as if prisoners are a part of the prison itself. Very often, the staff just ignored the presence of an inmate as if there was nobody

else in the room.

I find the French system amazingly accepting of bad living conditions in prisons. I have seen old, unmaintained and dirty prisons where no French citizen would ever want to live. Prison officers seem to find that normal and just carry on. The parloir (for visits) in Fresnes is one of the worst places I have ever seen. But there was no shame in showing that to me: 'It is not ideal and needs some refurbishment'.

To me, France looks like a lawyer's paradise. There are rules and procedures for everything and the discussion of prisoners rights is routine. But the implementation and translation of these typical French values about human rights and the rule of law into practice seems to fall short.

Dreaming of Cesar Beccaria (Italy)

In Italy I visited Tolmezzo and Bollate prisons. Tolmezzo is a mainly high security prison near the Slovenian border that also

Bastøy, Norway





John Howard

houses those who have been convicted or suspected of Mafia-related crimes. Bollate prison in Milan is a training prison with 1,200 inmates.

While prisons in Italy are notorious for overcrowding, I saw a prison system that still seems to believe in the ideals of Cesare Beccaria (1738-1794): 'the ultimate goal of a prison sentence is to change a prisoner' – even in high security environments. Bollate prison had labour facilities for inmates that were comparable to what I have seen in Norway. Prisoners seem to be taken seriously as people and as partners in a detention track that is oriented towards a future outside prison. It was only in Italy that prisoners, not prison staff, guided me round their own prison.

Eurosong prisons (Azerbaijan)

John Howard died in Kherson (Ukraine) on 20 January 1790 during his longest journey east. By that time his focus had shifted towards the plague, quarantine and hospitals. As it was not possible for me to go to the Ukraine and visit prisons, I travelled to Azerbaijan where I had the opportunity to visit two prisons in the Baku region. On a map of the member states of the Council of Europe, Azerbaijan is the furthest east. I saw prisons in a semi-authoritarian state with lots of oil money. The visit taught me that even good prison conditions may tell you very little about what prisons are used for. Without a doubt, there are prisons and prison conditions in Azerbaijan that meet all the standards. But prison conditions can also be used as an instrument in international politics to achieve respectability (to the West and their monitoring bodies like the Committee for the Prevention of Torture). It taught me a lot about what independent monitors do and do not see.

My conclusions

My first conclusion relates to the method of my study: travelling. Going to other places creates distance and perspective. It helps understanding what happens in one's own environment. And it continuously challenges conventional wisdom and thinking; it provides insights and experiences that never can be acquired by reading and listening to others.

My answer to the question about the contemporary role and functions of prisons relates to the differences between locking people up, locking them out and locking them in. Prisons have always been reservoirs for people, waiting for other events to happen or decisions to be taken. For debtors it was waiting for the debts to be paid and for criminals it was waiting for corporal or even capital punishment, or deportation.

Others were imprisoned because they were considered to be a threat to the rulers or the community. Since their return to the society was not unlikely, correction (mostly through labour) became an aspect of detention. The development of prisons as punishment is to be seen in that context and the earliest examples of such prisons can be found in the medieval cities of Italy in the 12th and 13th centuries. An intrinsic feature of such prisons was that they envisaged a return to society for the prisoners. Prisons as punishment did not simply lock up people with a view to lock them out. There always was an aspect of locking prisoners in.

This locking in aspect of prisons seems to be a challenge in all the systems I have visited. All jurisdictions struggle with the question: what next? What is to happen with prisoners once they have served their sentence? There seems to be no clear view on the future of prisoners and the society to which they belong. It is as if some prisoners just do not deserve the investment. The position of foreign national prisoners is emblematic of a group without a future in the society in which they have served their sentence. This inequality between those with and those without a perceived future puts pressure on most prison systems and their ability to lock people in.

Finally, my travels to foreign prisons pointed me at the issue of prison capacity. I have visited countries that seem to have too many prisoners (England) and countries with not enough prisons (France, England, Italy). And I have seen countries with too many prisons

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(The Netherlands) – or with not enough prisoners.

The difference between too many of one and not enough of the other is more than a matter of semantics alone. Prison rates and prison capacity, and their mutual relationship, can differ significantly between systems. And we do not have the final answer to the question why this is the case. We largely know which answers are not correct. Contrary to what is intuitively believed, we know that countries that lock up many people or do not have enough prison capacity, do not necessarily have high or rising crime rates. Prison capacity is most probably not something that happens to a society, but a consequence of choosing particular policies. We know very little about how these choices are being made and the impact of policy decisions in that respect. What happened to the Netherlands – prison rates wildly fluctuating – surprised nearly everybody. Ample explanations were provided, but only after the facts and with very few lessons for the future.

Capacity issues are related to the question about the function of prisons that triggered my journey across Europe in the first place. When a society loses homogeneity, prison risks becoming an instrument of blunt exclusion. The likelihood that this induces incarceration and capacity problems is high. But reality is more complex. Selectivity in filling (and emptying) prisons can do strange things to incarceration rates. Maybe another Howard can saddle his or her horse and travel around to find out how that works.